

PROB 12C
(7/93)

United States District Court

for

District of New Jersey

Amended Petition for Warrant or Summons for Offender Under Supervision

Name of Offender: Luis Arturo Melendez

Docket Number: 00-00319-001

PACTS Number: 26510

Name of Sentencing Judicial Officer: Honorable Susan D. Wigenton

Date of Original Sentence: 02/11/2003

Original Offense: Possession of a firearm by a convicted felon

Original Sentence: 92 months imprisonment; 3 years supervised release

Type of Supervision: Supervised Release

Date Supervision Commenced: 08/07/09

Assistant U.S. Attorney: Barbara Llines, 970 Broad Street, Room 502 Newark, New Jersey 07102 (973) 645-2700

Defense Attorney: Francis Cutruzzula, Esq., 559 Newark Avenue, Jersey City, New Jersey 07306 (201) 459-1616

PETITIONING THE COURT

- [X] To issue a warrant
[] To issue a summons

The probation officer believes that the offender has violated the following condition(s) of supervision:

Violation Number Nature of Noncompliance

- | | |
|---|---|
| 1 | The offender has violated the standard supervision condition which states ' You shall not commit another federal, state, or local crime. '

The offender was arrested on June 22, 2010, by Hoboken police, and charged with possession of Alprazolam. This case was presented before a Hudson County Grand Jury and was no-billed on October 13, 2010. |
| 2 | The offender has violated the standard supervision condition which states ' You shall notify the probation officer within 72 hours of being arrested or questioned by a law enforcement officer. '

The offender failed to inform the undersigned officer of his arrest that occurred on June 22, 2010, within 72 hours of being arrested. |
| 3 | The offender has violated the standard supervision condition which states ' You shall report to the probation officer as directed by the Court or probation |

officer, and shall submit a truthful and complete written report within the first five days of each month.'

The offender failed to submit January and February 2010 monthly supervision reports.

- 4 The offender has violated the standard supervision condition which states '**You shall not commit another federal, state, or local crime.'**

On July 8, 2010, the offender was arrested by the Hoboken police, and charged with simple assault and terroristic threats. This case was dismissed on October 27, 2010.

The Probation Office has determined this conduct constitutes a **Grade B violation.**

- 5 The offender has violated the standard supervision condition which states '**You shall refrain from excessive use of alcohol and shall not purchase, possess, use, distribute, or administer any narcotic or other controlled substance, or any paraphernalia related to such substances, except as prescribed by a physician.'**

Melendez tested positive for Hydromorphone and Hydrocodone on August 19, 2010.

The Probation Office has determined this conduct constitutes a **Grade C violation.**

- 6 The offender has violated the standard supervision condition which states '**You shall not associate with any persons engaged in criminal activity, and shall not associate with any person convicted of a felony unless granted permission to do so by the probation officer.'**

On July 8, 2010, Melendez was arrested with Edwin Santos, a convicted felon. On January 16, 1998, the Honorable Camile M. Kenny, of the Hudson County Superior Court sentenced Santos to one-year probation for tampering with evidence.

The Probation Office has determined this conduct constitutes a **Grade C violation.**

- 7 The offender has violated the standard supervision condition which states '**You shall not commit another federal, state, or local crime.'**

On November 8, 2010, Melendez was arrested by the Hoboken police and charged with the following: possession of drug paraphernalia, possession of stramonium, (a hallucinogenic drug which is only administered by a licensed physician) possession to distribute controlled dangerous drugs within 500 feet from a school, distribute drug paraphernalia, possession of controlled dangerous substance while being under the influence, possession of a weapon while committing a crime, unlawful possession of a weapon (a Smith and Wesson 44 Magnum hand gun), possession of a weapon for an unlawful purpose, possession of handgun ammunition (six shot speed loaders, hollow point bullets, and a .38

special Winchester bullets), and receiving stolen property.

The Probation Office has determined this conduct constitutes a **Grade A violation.**

- 8 The offender has violated the standard supervision condition which states '**You shall notify the probation officer within 72 hours of being arrested or questioned by a law enforcement officer.**'

The offender failed to inform the undersigned officer of his arrest that occurred on November 8, 2010, within 72 hours of being arrested.

The Probation Office has determined this conduct constitutes a **Grade C violation.**

- 9 The offender has violated the standard supervision condition which states '**The defendant shall not possess a firearm or destructive device. Probation must be revoked for possession of a firearm.**'

On November 8, 2010, Melendez was arrested by the Hoboken police possession of a weapon while committing a crime, unlawful possession of a weapon (a Smith and Wesson 44 Magnum hand gun), possession of a weapon for an unlawful purpose, possession of handgun ammunition (six shot speed loaders, hollow point bullets, and a .38 special Winchester bullets).


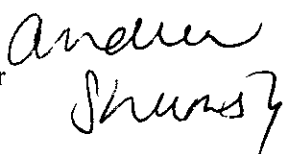
The Probation Office has determined this conduct constitutes a **Grade A violation.**

- 10 The offender has violated the standard supervision condition which states '**You shall notify the probation officer within 72 hours of any change of residence or employment.**'

At the time of Melendez' arrest, on November 8, 2010, the offender's mother told the detectives that Melendez stays in the back bedroom of her residence, 310 Marshall Street, apt. 6-D, Hoboken. On several occasions, Melendez was told that he is prohibited in staying at that address, as it is a public housing.

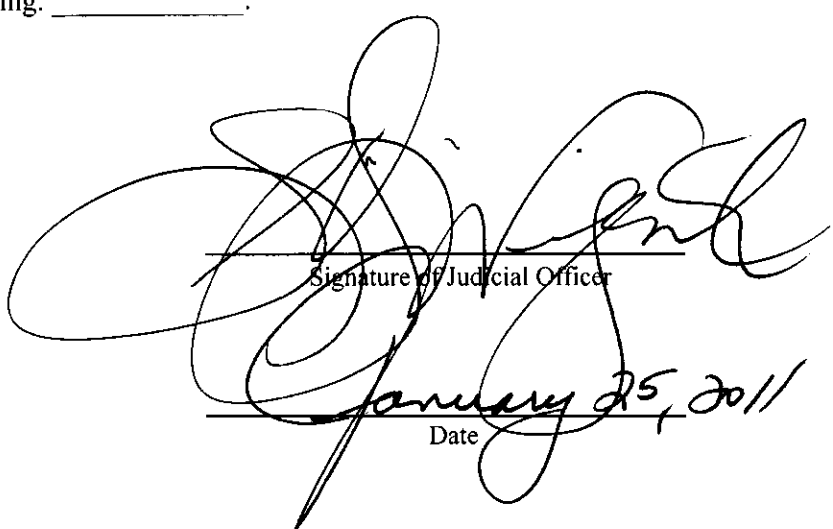
The Probation Office has determined this conduct constitutes a **Grade C violation.**

I declare under penalty of perjury that the foregoing is true and correct.

By:  Andrea Shumsky
U.S. Probation Officer
Date: 1/20/11 

THE COURT ORDERS:

- ☒ The Issuance of a Warrant
☐ The Issuance of a Summons. Date of Hearing: _____
☐ No Action
☐ Other



Signature of Judicial Officer

January 25, 2011

Date